

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

)	CHAPTER 13
IN RE)	
)	CASE NO.: 22-10641-ELF
OTMARO W. SERVICE,)	
Debtor)	
~~~~~	)	
CAPITAL ONE AUTO FINANCE,	)	
A DIVISION OF CAPITAL ONE, N.A.,	)	
Movant	)	<b><u>HEARING DATE:</u></b>
vs.	)	Tuesday, January 17, 2023
	)	9:30 A.M.
OTMARO W. SERVICE,	)	
Respondent(s)	)	
and	)	
	)	
KENNETH E. WEST	)	<b><u>LOCATION:</u></b>
Trustee	)	900 Market Street, Suite 201
	)	Courtroom No. 1
	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One, N.A., by and through their attorney, Regina Cohen, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, TX 75024.
2. The Respondent, Otmaro W. Service is an individual with a mailing address at 1145 Rosalie Street, Philadelphia, PA 19149, who has filed a Petition under Chapter 13 of the Bankruptcy Code.
3. On or about November 05, 2021, Debtor Otmaro W. Service entered into a Retail Installment Sales Contract, involving a loan in the amount of \$23,190.39 for the purchase of a 2015 Honda CR V Utility 4D LX AWD 2.4L I4.
4. The vehicle secured by the Contract has V.I.N. 2HKRM4H37FH695896.
5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$23,317.05 plus other appropriate charges as of December 22, 2022 but subject to change. The regular monthly payment is \$516.77 at an interest rate of 16.79%.

7. Applying payments received to the earliest payment due, payments have been missed post-petition, since August 20, 2022 in the amount of \$2,418.01, plus all applicable late charges, interest, attorneys' fees and costs.

8. The Property has a N.A.D.A. Value of \$16,300.00.

9. The vehicle is not necessary to an effective reorganization.

10. The Movant is the only lienholder of record with regard to the vehicle.

11. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.

12. Failure to make adequate protection payments is cause for relief from the automatic stay.

13. The Movant has incurred attorney's fees in the filing of this Motion.

14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen  
Regina Cohen  
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